

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ROSENDO PEREZ-ZARATE, on behalf of himself and all others similarly situated;

Plaintiff(s),

vs.

BRAVO PRO MAINTENANCE, INC.
et al.,

Defendant(s).

Case No. 2:09-CV-1567-RLH-LRL

ORDER
(Motion for Summary Judgment—#44)

Before the Court is Plaintiff Class's Motion for Summary Judgment (#44, filed October 5, 2010) and Notice of Non-Opposition (#45). The Motion for Summary Judgment will be granted for the following reasons:

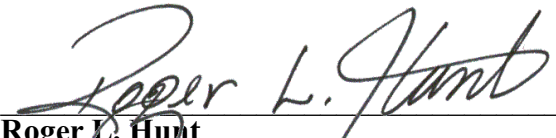
The case has been certified as a class action by the Court. The Court has, upon appropriate motion, found the Requests for Admissions, having gone without response or opposition, are deemed admitted. The representations of the amounts of money due but unpaid to each class member who has opted in, have been presented and have not been contested. There are no facts set forth in the Motion for Summary Judgment, by the Plaintiff Class, which have been opposed or contradicted.

Without repeating the full contents of the Motion for Summary Judgment, which the Court, alternatively adopts *in haec verba*, the Court finds the motion has merit and should be granted.

1 Furthermore, no opposition has been filed to the Motion. Local Rule 7-2(d) provides
2 that failure to file points and authorities in opposition to a motion constitutes a consent that the
3 motion be granted. *Abbott v. United Venture Capitol, Inc.* 718 F.Supp. 828, 831 (D. Nev. 1989). It
4 has been said these local rules, no less than the federal rules or acts of Congress, have the force of
5 law. *United States v. Hvass*, 355 U.S. 570, 574-575 (1958); *Weil v. Neary*, 278 U.S. 160, 169
6 (1929); *Marshall v. Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The United States Supreme Court itself
7 has upheld the dismissal of a matter for failure to respond under the local court rules. *Black Unity*
8 *League of Kentucky v. Miller*, 394 U.S. 100, 89 S. Ct. 766 (1969).

9 IT IS THEREFORE ORDERED that Plaintiff Class's Motion for Summary
10 Judgment (#44) is GRANTED and Judgment shall issue.

11 Dated: November 23, 2010.

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14 **Roger L. Hunt**
15 **Chief United States District Judge**
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